

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

S.W., by her parent and natural guardian, J.W.,  
individually and on behalf of all others similarly  
situated; A.W., by her parent and natural guardian  
A.W., individually and on behalf of all others similarly  
situated; J.F. and P. F., by their parent and natural  
guardian, A.F., individually and on behalf of all others  
similarly situated; L.T., by her parent and natural  
guardian, R.T., individually and on behalf of all  
others similarly situated,

Civ. Action No.

**AFFIDAVIT**

Plaintiffs,

vs.

SHEILA WARREN, sued individually, and as  
Director of Early Intervention Services for Orange County,  
ORANGE COUNTY DEPARTMENT OF HEALTH,  
COUNTY OF ORANGE,

Defendants.

STATE OF NEW YORK    )  
                                  ) ss:  
COUNTY OF ORANGE    )

PATRICIA FLYNN, being of full age, deposes and says:

1. I am the parent and natural guardian of my son, B.F., a plaintiff herein.
2. In or about January 2004, Susan Lee, an official with Early Intervention Services, came to my home to interview me regarding my son, B.F. She asked me for my medical insurance card. I went and got, and when I brought it to her, I asked her why she wanted it. She said it was "just a formality". I said I thought EI paid for services. She said that EI does pay for services, and that they just keep insurance information on file.

3. My son, B.F., was evaluated for Early Intervention services in February 2004. He began receiving shortly thereafter.

4. At an E.I. team meeting, I mentioned that I had been receiving notices from my insurance company, CIGNA, regarding submission of claims from EI. One of the team members said "What do you mean your insurance is being billed?". And I said, "Wait, I'll go get you a page." I did and then handed it to her. She read it, said that it didn't sound right, that the County should be billing my insurance company, and that I should check into that because "What if Brendan needs something down the road?".

5. Shortly after that, in or about June 2006, I took my son, B.F., to an optomotrist for vision therapy. I submitted the claim to my insurance company, Cigna. Cigna denied the claim. A copy of its denial letter is attached as Exhibit "1".

6. When I called Cigna to find out why the claim had been denied, I was told that it was because B.F. had "maxed out" of the therapies that he was allotted. I asked them how that was possible. They told me it was due to submissions for payments by Orange County Department of Health.

7. I then contacted Lisa DeNisco, Associate Account Clerk at Orange County Department of Health. I told her what was happening, that our insurance company was denying reimbursement of medical bills for my son, B.F. because of payments made to Orange County for Early Intervention services going back to 2005. Ms. DeNisco told me that it was not Orange County's problem; that I should take it up with my insurance company.

8. I again called Cigna and told them what Ms. DeNisco had said to me. I was told that under the terms of our insurance policy, there was nothing they could do.

9. At no time did I authorize Early Intervention to bill my son's insurance such that he would suffer a loss of future benefits or coverage.

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Patricia Flynn

Sworn to before me this \_\_\_\_\_  
day of September, 2007.

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